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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,677	12/03/2004	Fumiyoshi Abe	450100-04616	6641
7590	12/12/2007		EXAMINER	
William S Frommer Frommer Lawrence & Haug 745 Fifth Avenue New York, NY 10151			DANG, HUNG Q	
			ART UNIT	PAPER NUMBER
			2621	
			MAIL DATE	DELIVERY MODE
			12/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/516,677	ABE ET AL.
	Examiner	Art Unit
	Hung Q. Dang	2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 03 December 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,4-6 and 8-10 is/are rejected.
- 7) Claim(s) 2,3 and 7 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 03 December 2004 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/03/2004</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4-6, and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Abe et al. (US 2002/0003947).

Regarding claim 1, Abe et al. disclose a video tape recorder for sequentially and diagonally forming recording tracks on a magnetic tape and recording compressed video data, compressed audio data, and data relating to the video data and the audio data on the magnetic tape ([0067], [0068], [0069], Fig. 3), the video tape recorder is characterized by comprising: pack-unit generating means for blocking the video data in units of a predetermined number of blocks to generate a pack unit including a combination of the video data in the block, the corresponding audio data, and the related data ([0158], Fig. 1, Fig. 21); management-information generating means for generating management information serving as a reproduction reference when the video data is reproduced from the magnetic tape, from time management information when the video data is decompressed and output ([0133], [0148]); delay means for delaying data output from the pack-unit generating means ([0153]); a recording system for recording the data output from the pack-unit generating means on the magnetic tape along with the management information serving as the reproduction reference ([0157]);

and controlling means for varying a delay time generated in the delay means ([0103]); wherein the controlling means varies the delay time generated in the delay means such that the recording position of the head of each pack unit is set to a position having a predetermined relationship with the recording position determined by the management information serving as the corresponding reproduction reference ([0103], Fig. 35, [0133], [0148]).

Regarding claim 4, Abe et al. also disclose the recording system inserts NULL data of, at least, an amount corresponding to the delay time generated in the delay means into the data output from the pack-unit generating means ([0103]).

Regarding claim 5, Abe et al. also disclose the controlling means sets the head of the corresponding pack unit to the head of the recording track by inserting the NULL data ([0103], Fig. 35).

Regarding claim 6, Abe et al. also disclose the controlling means sets the trail of the pack unit to a position preceding the recording position determined by the management information serving as the corresponding reproduction reference (Fig. 35, [0133], [0148]).

Regarding claim 8, Abe et al. disclose a video tape recorder for sequentially and diagonally forming recording tracks on a magnetic tape and recording compressed video data, compressed audio data, and data relating to the video data and the audio data on the magnetic tape ([0067], [0068], [0069], Fig. 3), the video tape recorder is characterized by comprising: pack-unit generating means for blocking the video data in units of a predetermined number of blocks to generate a pack unit including a

combination of the video data in the block, the corresponding audio data, and the related data ([0158], Fig. 1, Fig. 21); management-information generating means for generating management information serving as a reproduction reference when the video data is reproduced from the magnetic tape, from time management information when the video data is decompressed and output ([0133], [0148]); a recording system for recording the data output from the pack-unit generating means on the magnetic tape along with the management information serving as the reproduction reference ([0157]); wherein the management-information generating means generates the management information serving as the reproduction reference such that the management information serving as the reproduction reference is varied in proportion to a clock serving as a processing reference when the video data is decompressed (Fig. 35, [0133], [0148], a system clock is inherent in any digital system in general, and an MPEG decoding system in particular. In an MPEG decoding system, a system clock inherently serves as a processing reference to evaluate the time codes in the MPEG stream).

Claim 9 is rejected for the same reason as discussed in claim 1 above.

Claim 10 is rejected for the same reason as discussed in claim 8 above.

Allowable Subject Matter

Claims 2-3 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 2 recites a feature of "characterized in that the head of each pack unit, which is the position having the predetermined relationship, precedes the recording

position determined by the management information serving as the reproduction reference corresponding to the time management information by an amount given by adding a predetermined preceding amount to the delay time in the decoding at the head of the pack unit," which is unique and not taught by prior art.

Claims 3 and 7 depend from claim 2, thus would be allowable if claim 2 is rewritten in independent form.

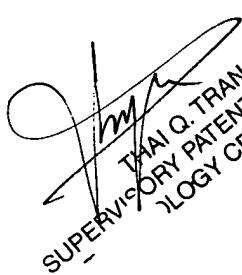
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Q. Dang whose telephone number is 571-270-1116. The examiner can normally be reached on M-Th:7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hung Dang
Patent Examiner



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